



SPENCER M. TAYLOR
t: (205) 226-8755
f: (205) 488-5688
e: staylor@balch.com

January 15, 2015

VIA SUBMISSION@FOIAONLINE.REGULATIONS.GOV

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Freedom of Information Act Request

Dear FOIA Officer:

Please accept this request for information on behalf of the Public Service Company of New Hampshire ("PSNH") pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the U.S. Environmental Protection Agency's ("EPA" or the "Agency") FOIA regulations under 40 C.F.R. Part 2. This request is for certain records specific to PSNH's Schiller Station in Portsmouth, New Hampshire ("Schiller Station"), made or received by EPA since **January 1, 2014**. Please exclude any records that EPA Region 1 has previously produced in response to our most recent prior FOIA Request relating to this matter, No. EPA-R1-2014-010502.¹ Also, please exclude any documents provided by PSNH to the Agency.

Specifically, we are requesting the following types of records since the above specified January 1, 2014 date:

- Any and all communications between EPA staff and any member, employee, attorney, or representative of the Sierra Club (collectively, "Sierra Club") concerning air emissions at Schiller Station, including but not limited to all electronic communication using any government or personal account;
- Any and all communications between EPA staff and Sierra Club concerning PSNH's Title V operating permit for Schiller Station, including but not limited to all electronic communication using any government or personal account;
- Any and all communications between EPA staff and Sierra Club concerning the Town of Eliot's petition to EPA under Clean Air Act Section 126 related to Schiller Station, including but not limited to all electronic communications using any government or personal account;

¹ <https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d280378c68>

- Any and all internal communications among EPA staff at Headquarters in DC, at the Region 1 office, and/or at the Agency's North Carolina office regarding Schiller Station and its Title V operating permit or the Town of Eliot's Section 126 petition, including any notes taken by any EPA staff member relevant to any meetings, discussions, or teleconferences that have taken place with Sierra Club;
- Any and all records related to any meeting or conference (whether in person or via telephone) between EPA staff and Sierra Club concerning PSNH or Schiller Station, including but not limited to any records documenting such meeting or conference, any attendance records, and any records exchanged or presented at such meeting or conference; and
- Any and all records related to Sierra Club's September 29, 2014 letter to Administrator McCarthy regarding *Notice of Intent to Sue under the Federal Clean Air Act*, including but not limited to any complaints or pleadings related thereto filed in federal court.


Please note that for purposes of this FOIA request, the phrase "EPA staff" includes any employee of EPA as well as any legal representative of EPA.

We believe the information requested herein is subject to mandatory disclosure under FOIA and that none of FOIA's disclosure exemptions apply to the requested information. However, should you determine that any responsive records contain exempt information, we respectfully request that you provide any "reasonably segregable portion of [such] record" (*i.e.*, redacted copies), as required under FOIA, 5 U.S.C. § 552(b). Should EPA determine to withhold any responsive records or portions thereof, we further request that EPA provide a description of the withheld information along with the basis for withholding.

We are willing to pay the reasonable costs associated with this request up to \$2,000.00 without further authorization. Please contact me immediately should the costs for responding to this request reach this amount in order to discuss further cost assurance.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Spencer M. Taylor

SMT:mr